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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,667	01/21/2004	Kenneth Dong	291359.126US2	3419
23483	7590	05/19/2008		
WILMERHALE/BOSTON 60 STATE STREET BOSTON, MA 02109			EXAMINER RASHID, DAVID	
			ART UNIT 2624	PAPER NUMBER
			NOTIFICATION DATE 05/19/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Attachment to Paper 20080512

[1] Applicant's arguments filed May 5, 2008 with respect to claims 1, 3-5, 7-10, 12-15, and 17-19 have been respectfully and fully considered, but they are not found persuasive.

[2] Summary of Remarks regarding claims 1, 3-5, 7-10, 12-15, and 17-19:

Applicants' argue nowhere have they used "pose" in a way that is consistent with the examiner's definition. Indeed, using the examiner's definition of pose would imply that the described geometrical operations, such as rotating a head into a face-on position with respect to a camera, would change "an attitude, role, or characteristic assumed for effect." But the specification says nothing about adjusting facial attitude, role, or characteristic assumed for effect. Rather, it describes adjustments that change the orientation of a head with respect to the camera's viewpoint, which is in accordance with the definitions of "pose" that we have given above. Nor has the examiner pointed to anything in the specification that supports his definition, or that would even permit a coherent interpretation of the specification under his definition.

Using the correct definition of "pose," Applicants' argue it becomes clear that Kado's brightness correction is not the same as adjusting a pose. To summarize, under the correct definition, pose adjustment requires changing the orientation of a three dimensional facial image. But Kado's brightness correction does not involve any change in the geometrical relationship between his fixed three dimensional model and his two dimensional image. Instead, Kado is concerned with determining the position of a light source illuminating a face seen in a two-dimensional image, and then correcting the illumination to make it correspond more closely to a standard illumination. The illumination is corrected by adjusting the brightness of patches in the model based on the angle of the patch's surface normal. This correction requires no changes in

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the surface normals of Kado's face model patches, i.e., no rotation or change of position of his three dimensional model is performed. Thus there is nothing in Kado that that even hints at adjustment of pose, as required by the claim. (Applicant Resp. at 8-9, May 5, 2008.)

[3] Examiner's Response regarding claims 1, 3-5, 7-10, 12-15, and 17-19:

Argument 1:

However, the examiner has pointed out support in the specification that supports his definition by the use of the word "pose" itself, which by definition is broad enough to include "an attitude, role, or characteristic assumed for effect" among many other equivalent broad definitions. *See, e.g. Merrian-Webster Online*, 2007-2008, "pose" n. def. 2, available at <http://www.m-w.com/dictionary>. This definition is supported in the specification by the use of the word "pose", as one of ordinary skill in the art would broadly interpret the word "pose" to include one as such given in *Merrian-Webster Online*, or any other dictionary definition equivalent.

MPEP s. 2111.02 IV. reads in relevant part:

An applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s). *See In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994) (inventor may define specific terms used to describe invention, but must do so "with reasonable clarity, deliberateness, and precision" and, if done, must "set out his uncommon definition in some manner within the patent disclosure" so as to give one

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of ordinary skill in the art notice of the change” in meaning) (quoting Intellicall, Inc. v. Phonometrics, Inc., 952 F.2d 1384, 1387-88, 21 USPQ2d 1383, 1386 (Fed. Cir. 1992)).

Though the Examiner does agree fig. 5 is relevant to Applicant’s argument of a more narrow interpretation of the word “pose” to restrict to only geometrical operations, MPEP s. 2111.02 IV supports that the fact this was not done “with reasonable clarity, deliberateness, and precision” meaning, if done, must “set out his uncommon definition in some manner within the patent disclosure’ so as to give one of ordinary skill in the art notice of the change” in meaning. Intellicall, Inc. Nothing in the specification specifically limits that the definition of "pose" should only be interpreted to **only** geometric pose adjustment in the way the Applicant is now restricting to. If anything, the use of the common phrase “light and pose” could even be interpreted as going hand-in-hand with one another to support the Examiner’s argument. Furthermore, the use of the “geometric” is nowhere in Applicant’s specification to support that the word “pose” is narrowly restricted **only** to this narrow definition.

Argument 2:

Furthermore, even if the specification did narrowly support Applicant’s definition of the word “pose” to **only** a geometric shift, the “relative” aspect of Kado et al. is **equivalent** to a geometric pose adjustment of the head for fixed lighting. A fixed position of the light source in Kado et al. (which is clearly possible, lets say (i) the invention being performed with fixed lighting in a room or (ii) even outdoors with respect to the sun for example) through its brightness pose adjustment of the face could only be interpreted that the face would have to undergo the geometric shift (since it is not the light moving in this case). The only way the

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brightness adjustment on the face could occur with fixed lighting is if the face itself is moving, as the position between the face and light is **purely relative**.

By these two arguments, the Examiner believes the pending application is not in condition for allowance.

/David P. Rashid/
Examiner, Art Unit 2624